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**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: CANADA Emily Jane

Group Art Unit: 1625

Serial No.: 10/579028

Examiner: Davis, Zinna

Application Date: November 16, 2004

Conf No.: 8539

US Nat'l Entry Date (if applicable): May 11, 2006

For: PEROXISOME PROLIFERATOR ACTIVATED RECEPTOR MODULATORS

Docket No.: X16554

**RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Introductory Comments:**

In response to the Restriction Requirement dated December 16, 2008, please consider the following. Claims 1-12, 16, 20-22, 24-27 and 39 are pending in the present application.

Solely for purposes of furthering the prosecution of the present application, Applicants hereby elect in accordance with 35 USC 121, with traverse, the compound of Example 17, that is 3-[2-Ethyl-4-(3-fluoro-5-{{[(5-fluoro-1,3-dimethyl-1H-indole-2-carbonyl)-amino]-methyl}-phenoxy)-phenyl]-propionic acid. The compound of Example 17 is represented by the structure:

